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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,570	10/20/2003	Rachael Cook	117074-1-CON-CON	8416

7590 01/18/2006  
RACHAEL LINETTE COOK  
141 S. HAYDEN PKWY.  
HUDSON, OH 44236

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/689,570

Applicant(s)

COOK, RACHAEL

Examiner

Susanna M. Diaz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☒ Other: Copy of Correspondence mailed to Applicant on 12/14/05

### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.

#### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
The clause regarding "willful false statements ..." required by 37 CFR 1.68 has been omitted.

#### ***Priority***

3. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 09/921,102, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The Examiner believes that Application No. 09/921,102 should be Application No. 09/921,092 instead. Please

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correct the specification accordingly. For examination purposes, the instant application is examined with an effective filing date of February 26, 1998.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-20 recite various examples of "a means for \_\_\_\_." It is not clear whether or not Applicant intends to invoke 35 U.S.C. § 112, 6<sup>th</sup> paragraph since the commonly accepted language for invoking § 112, 6<sup>th</sup> paragraph is "means for \_\_\_\_" (i.e., without the article "a" before "means").

Please clarify and fix accordingly.

*Please note that the references cited in the instant application were cited and supplied to the Applicant in parent Application No. 09/921,092; therefore, the Applicant presumably has a copy of each reference already and another copy of each reference will not be provided at this time.*

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione et al. (U.S. Patent No. 5,930,764) in view of Woods et al. ("Relationships Vital for High-Tech Marketers").

Melchione discloses a system for managing customer lead information comprising:

[Claim 1] a customer lead information database having a plurality of customer lead profile records (col. 16, lines 16-29);

means for acquiring customer lead information from a customer lead (col. 16, lines 16-29; col. 26, line 55 through col. 27, line 2; col. 27, lines 42-48; col. 35, lines 51-57; col. 39, line 1 through col. 40, line 58);

means for inputting the acquired customer lead information into the customer lead information database (col. 35, lines 51-57; col. 39, line 1 through col. 40, line 58);

means for creating or updating a customer lead profile record based on the inputted customer lead information (col. 35, lines 51-57; col. 39, line 1 through col. 40, line 58);

means for determining a customer lead priority based on information in the customer lead profile record (col. 42, line 51 through col. 43, line 30; Melchione ranks

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both customer and non-customer leads (col. 38, lines 50-59; col. 39, lines 50-51).

Further, a campaign coordinator must specify "how to rank leads within the campaign (e.g., by balances, footings, profitability, or special priority order)" (col. 39, lines 11-13).

By specifying how to rank leads, one is establishing a preferred algorithm for "determining a customer lead priority...based on information in the customer lead profile record");

means for adding the customer lead priority to the customer lead profile record (col. 42, line 51 through col. 43, line 30);

means for storing the customer lead profile record in the customer lead information data base (col. 35, lines 51-57; col. 39, line 1 through col. 40, line 58; col. 42, line 51 through col. 43, line 30);

[Claim 4] wherein the means for acquiring customer lead information is selected from the group consisting of a customer needs feedback form to be completed by a customer lead and a lead management form to be completed by a company representative (col. 35, lines 54-57; col. 39, lines 36-44; col. 45, lines 63-65);

[Claim 7] wherein the means for inputting the acquired customer lead information comprises means for entering information into the lead management form (col. 45, lines 63-65);

[Claim 8] wherein the means for entering information into the lead management form comprises at least one of: a microcassette recorder; a portable computer with voice recognition software; a digital portable dictation system with voice recognition software, a hand-held electronic input device; a portable computer with network access;

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a business card scanner; a magnetic card reader; a bar code scanner; an identification card scanner; and a trade show badge scanner (Fig. 2; col. 45, lines 63-65 -- A portable computer with network access is taught);

[Claim 9] wherein the means for determining a customer lead priority comprises means for analyzing the information in the customer lead profile record for information related to at least one of budget, authority, needs and time (col. 39, lines 1-16; col. 42, line 52 through col. 43, line 30);

[Claim 10] wherein the means for inputting the acquired customer lead information comprises at least one of: a microcassette recorder; a portable computer with voice recognition software; a digital portable dictation system with voice recognition software, a hand-held electronic input device; a portable computer with network access; a business card scanner; a magnetic card reader; a bar code scanner; an identification card scanner; and a trade show badge scanner (Fig. 2; col. 45, lines 63-65 -- A portable computer with network access is taught);

[Claim 11] means for responding to information requests from the customer lead (col. 39, lines 1-57).

Regarding claim 1, Melchione teaches the distribution of leads to salespeople; however, Melchione provides no explicit teaching of the use of an intranet or an internet to input acquired customer lead information and distribute an updated customer lead profile record. Woods makes up for this deficiency in his discussion of Harte-Hanks' lead management system used to track sales leads. In particular, qualified leads are

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identified and "sent immediately to the appropriate salesperson for follow-up, whether by fax, phone, e-mail, Internet or mail" (§ 14). Woods asserts that immediately following up on sales leads more efficiently takes advantage of precious time and resources that prove more fruitful when a potential customer, i.e., lead, is contacted quickly (§ 6). The use of the internet to communicate leads information to a salesperson promotes this quick and efficient follow-up of leads. Therefore, regarding claim 1, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Melchione's lead management system to enable acquired customer lead information to be input and an updated customer lead profile record to be distributed via the internet (as disclosed by Woods) in order to facilitate the quick and efficient forwarding of sales leads information to a salesperson, thereby promoting profitable relations between the salespeople and their clients.

As per claims 2 and 3, the Melchione-Woods combination teaches the automatic notification of a sales lead to the salesperson (i.e., "a designated person") best equipped to handle each lead via the Internet or e-mail. As a customer lead profile changes, it is likely that different sales expertise is needed to address the customer's needs; therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automatically notify via e-mail at least one designated person of the Melchione-Woods combination when selected portions of a selected customer lead profile record change in order to ensure that the most appropriate salesperson is being assigned to a dynamically changing customer and his/her changing needs.



In reference to claims 5 and 6, Melchione teaches the collection of customer data from a salesperson as well as directly from the customer (col. 39, lines 36-44; col. 45, lines 47-67); however, Melchione fails to teach that the customer needs feedback form is a web page completed by a customer lead and that the lead management form is a web page completed by a customer representative. Official notice is taken that it is old and well-known in the art to collect marketing data via an Internet web page. The use of the Internet is beneficial to gathering global information quickly and cost-effectively. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to collect customer data through a customer needs feedback form that is a web page completed by a customer lead and a lead management form that is a web page completed by a customer representative (as part of the Melchione-Woods combination) in order to ensure rapid and cost-effective updating of customer information.

[Claims 12-15]      Claims 12-15 recite limitations already addressed by the rejection of claims 1-11 above; therefore, the same rejection applies.

[Claims 16-20]      Claims 16-20 recite limitations already addressed by the rejection of claims 1-11 above; therefore, the same rejection applies.

### ***Conclusion***

8.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Aurum Software Inc.'s WebTrak-Internet Marketing Module, as disclosed in "Internet Data Collector Bows" -- WebTrak-Internet Marketing Module is a "database front-end tool [that] takes data entered by Web site visitors and automatically sends it back to the corporate database...to help companies generate sales and marketing leads off the Internet" ("Internet Data Collector Bows": ¶ 1). In other words, WebTrak-Internet Marketing Module gathers and distributes its customer lead information via the Internet using real-time database synchronization. "WebTrak should shorten corporate selling cycles because it eliminates steps such as entering sales leads into the system" ("Internet Data Collector Bows": ¶ 5).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

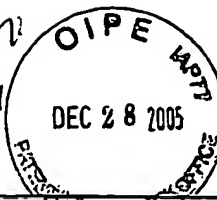
January 13, 2006

Attachment to Office Action

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Copy of Correspondence mailed  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/689,570	10/20/2003	3623	450	117074-1-CON-CON	9	20	3

Rachael Cook  
123 N. Congress Avenue #112  
Boynton Beach, FL 33426



CONFIRMATION NO. 8416

UPDATED FILING RECEIPT



\*OC000000017647682\*

Date Mailed: 12/14/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Rachael Cook, Boynton Beach, FL;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This application is a CON of 09/921,102 08/01/2001 PAT 6,485,044  
which is a CON of 09/031,443 02/26/1998 ABN

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 01/26/2004

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US10/689,570**

**Projected Publication Date:** 03/23/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

System and method for generating, capturing, and managing customer lead information over a computer network

**Preliminary Class**

705

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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